

HOUSE No. 1028

The Commonwealth of Massachusetts

PRESENTED BY:

Jeffrey Sánchez

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act to improve asthma management .

PETITION OF:

NAME:	DISTRICT/ADDRESS:
John D. Keenan	7th Essex
James B. Eldridge	Middlesex and Worcester
Cheryl A. Coakley-Rivera	10th Hampden
Frank I. Smizik	15th Norfolk
Gloria L. Fox	7th Suffolk
William N. Brownsberger	24th Middlesex
Byron Rushing	9th Suffolk
Lida E. Harkins	13th Norfolk
Kathi-Anne Reinstein	16th Suffolk
Jeffrey Sánchez	15th Suffolk
Joyce A. Spilotis	12th Essex
Jennifer M. Callahan	18th Worcester

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1071 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO IMPROVE ASTHMA MANAGEMENT .

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 **SECTION 1.** Chapter 32A of the General Laws is hereby amended by inserting after section 17I
2 the following section:-

3 Section 17J. The commission shall provide to any active or retired employee of the commonwealth or
4 their dependents who are insured under the group insurance commission coverage for the following
5 services and equipment in so far as said services and items are within a category of benefits or services
6 for which coverage is otherwise afforded and have been prescribed by a health care professional legally
7 authorized to prescribe such services for the management and treatment of asthma:

8 (a) All medically necessary equipment and services, including:

9 (1) Inhaler spacers

10 (2) Nebulizers, including face masks and tubing

11 (3) Peak flow meters

12 (4) Allergen proof bedding covers, HEPA vacuums and filters, and integrated pest management
13 services, if there is evidence of exposure sensitivity to specific allergens or evidence of
14 conditions known to lead to sensitivity

15 (b) Asthma education and chronic disease management

16 (1) As used in this section, asthma education and chronic disease management shall mean instruction
17 that will enable asthmatic patients and their families to understand the disease process, the daily
18 management of asthma, and how to properly use the equipment identified in subdivision (a) following
19 the national asthma management guidelines as published by the National Heart, Lung and Blood
20 Institute. Said services shall include, at a minimum: (i) individualized education or group health
21 education classes in an outpatient setting and (ii) home-based education in disease management and
22 environmental assessment in order to identify and reduce exposures to allergens, as prescribed by a
23 treating provider.

(2) Said services shall be provided by a certified asthma health care provider participating with the insurance contract or affiliated with a provider participating with the insurance contract. As used in this section, a “certified asthma health care provider” shall mean a licensed or registered health care professional, an asthma educator certified by the National Asthma Educator Certification Board, or a community health worker with training in chronic disease management as recognized by the Department of Public Health.

The benefits provided in this section shall meet all other terms and conditions within an insurance plan. Coverage shall not be reduced or eliminated due to the requirements of this section.

SECTION 2. Chapter 118E of the General Laws is hereby amended by inserting after section 10F, as so appearing, the following section:-

Section 10G. The office shall provide coverage for the following services and equipment in so far as said services and items are within a category of benefits or services for which coverage is otherwise afforded and have been prescribed by a health care professional legally authorized to prescribe such services for the management and treatment of asthma:

(a) All medically necessary equipment and services, including:

- (1) Inhaler spacers
- (2) Nebulizers, including face masks and tubing
- (3) Peak flow meters
- (4) Allergen proof bedding covers, HEPA vacuums and filters, and integrated pest management services, if there is evidence of exposure sensitivity to specific allergens or evidence of conditions known to lead to sensitivity

(b) Asthma education and chronic disease management

(1) As used in this section, asthma education and chronic disease management shall mean instruction that will enable asthmatic patients and their families to understand the disease process, the daily management of asthma, and how to properly use the equipment identified in subdivision (a) following the national asthma management guidelines as published by the National Heart, Lung and Blood Institute. Said services shall include, at a minimum: (i) individualized education or group health education classes in an outpatient setting and (ii) home-based education in disease management and environmental assessment in order to identify and reduce exposures to allergens, as prescribed by a treating provider.

(2) Said services shall be provided by a certified asthma health care provider participating with the insurance contract or affiliated with a provider participating with the insurance contract. As used in this section, a “certified asthma health care provider” shall mean a licensed or registered health care professional, an asthma educator certified by the National Asthma Educator Certification Board, or a community health worker with training in chronic disease management as recognized by the Department of Public Health.

SECTION 3. Chapter 118H of the General Laws is hereby amended by inserting the following section:

Section 7. Any policy of insurance for accident or sickness, or agreement for medical or health services, which shall be delivered or issued or renewed or certified in this Commonwealth through the

Commonwealth Care Health Insurance Program described in Chapter 118H of the General Laws, shall provide as a benefit to all individual subscribers and members within the Commonwealth, the following services and equipment in so far as said services and items are within a category of benefits or services for which coverage is otherwise afforded and have been prescribed by a health care professional legally authorized to prescribe such services for the management and treatment of asthma:

(a) All medically necessary equipment and services, including:

- (5) Inhaler spacers
- (6) Nebulizers, including face masks and tubing
- (7) Peak flow meters
- (8) Allergen proof bedding covers, HEPA vacuums and filters, and integrated pest management services, if there is evidence of exposure sensitivity to specific allergens or evidence of conditions known to lead to sensitivity

(b) Asthma education and chronic disease management

(1) As used in this section, asthma education and chronic disease management shall mean instruction that will enable asthmatic patients and their families to understand the disease process, the daily management of asthma, and how to properly use the equipment identified in subdivision (a) following the national asthma management guidelines as published by the National Heart, Lung and Blood Institute. Said services shall include, at a minimum: (i) individualized education or group health education classes in an outpatient setting and (ii) home-based education in disease management and environmental assessment in order to identify and reduce exposures to allergens, as prescribed by a treating provider.

(2) Said services shall be provided by a certified asthma health care provider participating with the insurance contract or affiliated with a provider participating with the insurance contract. As used in this section, a "certified asthma health care provider" shall mean a licensed or registered health care professional, an asthma educator certified by the National Asthma Educator Certification Board, or a community health worker with training in chronic disease management as recognized by the Department of Public Health.

SECTION 4. Chapter 175 of the General Laws is hereby amended by inserting after section 47Z, as so appearing, the following section:-

Section 47AA. An individual policy of accident and sickness insurance issued pursuant to section 108 which provides hospital expense and surgical expense insurance, and any group blanket policy of accident and sickness insurance issued pursuant to section 110 which provides hospital expense and surgical expense insurance, delivered, issued or renewed by agreement between the insurer and the policyholder, within or without the commonwealth, shall provide coverage for the following services and items for subscribers with asthma in so far as said services and items are within a category of benefits or services for which coverage is otherwise afforded and have been prescribed by a health care professional legally authorized to prescribe such services for the management and treatment of asthma:

(a) All medically necessary equipment and services, including:

- (1) Inhaler spacers
- (2) Nebulizers, including face masks and tubing

- (3) Peak flow meters
- (4) Allergen proof bedding covers, HEPA vacuums and filters, and integrated pest management services, if there is evidence of exposure sensitivity to specific allergens or evidence of conditions known to lead to sensitivity
- (b) Asthma education and chronic disease management

(1) As used in this section, asthma education and chronic disease management shall mean instruction that will enable asthmatic patients and their families to understand the disease process, the daily management of asthma, and how to properly use the equipment identified in subdivision (a) following the national asthma management guidelines as published by the National Heart, Lung and Blood Institute. Said services shall include, at a minimum: (i) individualized education or group health education classes in an outpatient setting and (ii) home-based education in disease management and environmental assessment in order to identify and reduce exposures to allergens, as prescribed by a treating provider.

(2) Said services shall be provided by a certified asthma health care provider participating with the insurance contract or affiliated with a provider participating with the insurance contract. As used in this section, a “certified asthma health care provider” shall mean a licensed or registered health care professional, an asthma educator certified by the National Asthma Educator Certification Board, or a community health worker with training in chronic disease management as recognized by the Department of Public Health.

The benefits provided in this section shall meet all other terms and conditions within a subscription certificate. Hospital service plans shall not reduce or eliminate coverage due to the requirements of this section.

SECTION 5. Chapter 176A of the General Laws is hereby amended by inserting after section 8BB, as so appearing, the following section:-

Section 8CC. Any contract between a subscriber and the corporation under an individual or group hospital service plan, which shall be delivered, issued or renewed by agreement between the insurer and the policyholder, within or without the commonwealth, shall provide coverage for the following services and items for subscribers with asthma in so far as said services and items are within a category of benefits or services for which coverage is otherwise afforded and have been prescribed by a health care professional legally authorized to prescribe such services for the management and treatment of asthma:

- (a) All medically necessary equipment and services, including:

- (1) Inhaler spacers
- (2) Nebulizers, including face masks and tubing
- (3) Peak flow meters
- (4) Allergen proof bedding covers, HEPA vacuums and filters, and integrated pest management services, if there is evidence of exposure sensitivity to specific allergens or evidence of conditions known to lead to sensitivity

- (b) Asthma education and chronic disease management

(1) As used in this section, asthma education and chronic disease management shall mean instruction that will enable asthmatic patients and their families to understand the disease process, the daily

management of asthma, and how to properly use the equipment identified in subdivision (a) following the national asthma management guidelines as published by the National Heart, Lung and Blood Institute. Said services shall include, at a minimum: (i) individualized education or group health education classes in an outpatient setting and (ii) home-based education in disease management and environmental assessment in order to identify and reduce exposures to allergens, as prescribed by a treating provider.

(2) Said services shall be provided by a certified asthma health care provider participating with the insurance contract or affiliated with a provider participating with the insurance contract. As used in this section, a "certified asthma health care provider" shall mean a licensed or registered health care professional, an asthma educator certified by the National Asthma Educator Certification Board, or a community health worker with training in chronic disease management as recognized by the Department of Public Health.

The benefits provided in this section shall meet all other terms and conditions within a subscription certificate. Medical service agreements shall not reduce or eliminate coverage due to the requirements of this section.

SECTION 6. Chapter 176B of the General Laws is hereby amended by inserting after section 4BB, as so appearing, the following section:-

Section 4CC. (a) Any subscription certificate under an individual or group medical service agreement which shall be delivered, issued or renewed within the commonwealth shall provide as benefits to all individual subscribers or members within the commonwealth and to all group members having a principal place of employment within the commonwealth, shall provide coverage for following services and items for subscribers with asthma in so far as said services and items are within a category of benefits or services for which coverage is otherwise afforded and have been prescribed by a health care professional legally authorized to prescribe such services for the management and treatment of asthma:

(a) All medically necessary equipment and services, including:

- (1) Inhaler spacers
- (2) Nebulizers, including face masks and tubing
- (3) Peak flow meters
- (4) Allergen proof bedding covers, HEPA vacuums and filters, and integrated pest management services, if there is evidence of exposure sensitivity to specific allergens or evidence of conditions known to lead to sensitivity

(b) Asthma education and chronic disease management

(1) As used in this section, asthma education and chronic disease management shall mean instruction that will enable asthmatic patients and their families to understand the disease process, the daily management of asthma, and how to properly use the equipment identified in subdivision (a) following the national asthma management guidelines as published by the National Heart, Lung and Blood Institute. Said services shall include, at a minimum: (i) individualized education or group health education classes in an outpatient setting and (ii) home-based education in disease management and environmental assessment in order to identify and reduce exposures to allergens, as prescribed by a treating provider.

(2) Said services shall be provided by a certified asthma health care provider participating with the insurance contract or affiliated with a provider participating with the insurance contract. As used in this section, a “certified asthma health care provider” shall mean a licensed or registered health care professional, an asthma educator certified by the National Asthma Educator Certification Board, or a community health worker with training in chronic disease management as recognized by the Department of Public Health.

The benefits provided in this section shall meet all other terms and conditions within a subscription certificate. Medical service agreements shall not reduce or eliminate coverage due to the requirements of this section.

SECTION 7. Chapter 176G of the General Laws is hereby amended by inserting after section 4T, as so appearing, the following section:-

Section 4U. Any individual or group health maintenance contract delivered, issued or renewed by agreement between the insurer and the policyholder, within or without the commonwealth, shall provide coverage for the following services and items for subscribers with asthma in so far as said services and items are within a category of benefits or services for which coverage is otherwise afforded and have been prescribed by a health care professional legally authorized to prescribe such services for the management and treatment of asthma:

(a) All medically necessary equipment and services, including:

- (1) Inhaler spacers
- (2) Nebulizers, including face masks and tubing
- (3) Peak flow meters
- (4) Allergen proof bedding covers, HEPA vacuums and filters, and integrated pest management services, if there is evidence of exposure sensitivity to specific allergens or evidence of conditions known to lead to sensitivity

(b) Asthma education and chronic disease management

(1) As used in this section, asthma education and chronic disease management shall mean instruction that will enable asthmatic patients and their families to understand the disease process, the daily management of asthma, and how to properly use the equipment identified in subdivision (a) following the national asthma management guidelines as published by the National Heart, Lung and Blood Institute. Said services shall include, at a minimum: (i) individualized education or group health education classes in an outpatient setting and (ii) home-based education in disease management and environmental assessment in order to identify and reduce exposures to allergens, as prescribed by a treating provider.

(2) Said services shall be provided by a certified asthma health care provider participating with the insurance contract or affiliated with a provider participating with the insurance contract. As used in this section, a “certified asthma health care provider” shall mean a licensed or registered health care professional, an asthma educator certified by the National Asthma Educator Certification Board, or a community health worker with training in chronic disease management as recognized by the Department of Public Health.

223 The benefits provided in this section shall meet all other terms and conditions within a health maintenance
224 contract. Health maintenance contracts shall not reduce or eliminate coverage due to the requirements of
225 this section.